

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

FRANK MULTARI, SR.,)
)
Plaintiff,)
)
v.) 1:05-cv-359
) CARTER
CLEVELAND COMMUNITY HOSPITAL and)
COMMUNITY HEALTH SYSTEMS,)
)
Defendants.)

MEMORANDUM AND ORDER

Defendants Cleveland Community Hospital (the Hospital) and Community Health Systems, Inc. (collectively referred to as “defendants”) have filed a motion pursuant Fed. R. Civ. P. 11 for sanctions for the plaintiff’s filing his “Motion for Appointment of Counsel Under Exceptional Circumstances and Under New Evidence and Disabilities” (Doc. 62 filed May 18, 2006). Plaintiff supplemented this motion with additional evidence on May 23, 2006 (See Doc. 67).

Defendants seek Rule 11 sanctions for the plaintiff’s May 18, 2006, motion for appointment of counsel arguing plaintiff had previously moved for appointment of counsel on the same grounds and been denied and plaintiff continues in his motion to make accusations about Mr. C. J. Gideon, counsel for defendants, that are completely lacking in evidentiary support.

At least two hearings in this case, March 17, 2006 and May 15, 2006, have been held in chambers before the Court. In each instance Mr. Multari moved orally for appointment of counsel. These motions were denied. However, as the Court recalls, on each occasion, I

informed the plaintiff that while I was denying his motion for appointment of counsel at that time, I would consider another motion to appoint counsel at a later date. Consequently, I do not find Rule 11 sanctions appropriate for plaintiff's renewing his request for appointment of counsel on May 18, 2006. Defendants' motion for Rule 11 sanctions (Doc. 88) is therefore DENIED.

SO ORDERED.

ENTER:

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE